



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 14, 2008

REGISTERED MAIL
RB 670 357 285 US

Port of Seattle
Attn: Jason Jordan
Seaport Environmental Programs
PO Box 1209
Seattle, WA 98111

RE: First Amendment to Administrative Order #4431, Terminal 30 Redevelopment and Terminal 91 Cruise Terminal Relocation Project, Duwamish East Waterway and Elliott Bay, King County, Washington

Dear Mr. Jordan:

Enclosed is an amendment to the Water Quality Certification issued on July 2, 2007, for the above project

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Geoff Tallent
Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

GT:rrp:cja

cc: Kristine Hansen, U.S. Army Corps of Engineers
Laura Arber, Washington Department of Fish and Wildlife
Don Olmsted, Washington Department of Natural Resources
Cindy Rathbone, Washington Department of Natural Resources
Shandra O'Haleck, NOAA Fisheries
Ravi Sanga, U.S. Environmental Protection Agency

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cc: Patricia Garcia, City of Seattle
Shirley Burgdorf, US Fish and Wildlife
Alison O'Sullivan, Suquamish Tribe
Fred Felleman, Bluewater Network/Ocean Advocates
Glen St. Amant, Muckleshoot Indian Tribe
Gordon Thomson, King County Department of Natural Resources

e-cc: Loree' Randall – HQ
Brad Helland – NWRO
Grant Yang – NWRO
Kevin Fitzpatrick – NWRO
Amy Jankowiak – NWRO
Galen Tritt – NWRO
Doug Brown – NWRO
Helen Pressley – HQ
Betty Renkor – NWRO
Glynis Carrosino – NWRO

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

**IN THE MATTER OF GRANTING
A WATER QUALITY
CERTIFICATION TO
Port of Seattle**

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**ORDER #4431 First Amendment
U.S. Army Corps of Engineers #200601091**

Terminal 30 Redevelopment and
Terminal 91 Cruise Terminal Relocation
Project; Duwamish East Waterway and
Elliott Bay, King County Washington.

TO: Port of Seattle
Attn: Jason Jordan
Seaport Environmental Programs
PO Box 1209
Seattle, WA 98111

As requested on March 12, 2008, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order to allow dredged material to be disposed of either in water or at an upland location.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 4431 is hereby amended as follows:

1. Condition D4 that reads:

D4. Dredged materials shall be disposed of within the defined boundaries of the Elliott Bay open-water disposal site.

Is replaced with:

D4. Dredged materials shall be disposed of within the defined boundaries of the Elliott Bay open-water disposal site or at an approved upland facility.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

Appeal Process

You have a right to appeal this Amendment. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Department of Ecology
Northwest Regional Office
Attn: Rebekah Padgett
3190 160th Avenue SE
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:

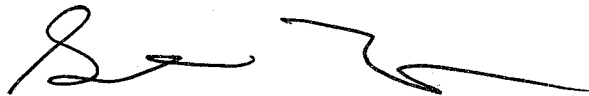
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:

<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated July 14, 2008 at Bellevue, Washington.



Geoff Tallent, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington